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\*E-FILED - 11/18/05\*

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

RAMBUS, INC.,

Plaintiff,

v.

HYNIX SEMICONDUCTOR INC., HYNIX  
SEMICONDUCTOR AMERICA INC., HYNIX  
SEMICONDUCTOR MANUFACTURING  
AMERICA INC.

SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA, INC.,  
SAMSUNG SEMICONDUCTOR, INC.,  
SAMSUNG AUSTIN SEMICONDUCTOR,  
L.P.,

NANYA TECHNOLOGY CORPORATION,  
NANYA TECHNOLOGY CORPORATION  
U.S.A.,

INOTERA MEMORIES, INC.

Defendants.

AND RELATED CROSS-ACTIONS

Case No. 05-00334 RMW

ORDER REGARDING  
PRODUCTION OF DOCUMENTS  
SUBJECT TO PRIVILEGE PIERCING  
ORDERS IN RELATED CASE

Hon. Ronald M. Whyte

At the hearing before the Court on September 30, 2005, Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Semiconductor, Inc., and Samsung Austin Semiconductor, L.P. (collectively, "Samsung") advised that they intend to seek in discovery in this matter certain documents that Rambus Inc. ("Rambus") contends are privileged but were subject to several orders of the Court in *Hynix Semiconductor Inc. et al. v. Rambus Inc.*, Case No. CV-00-20905 RMW ("*Hynix*") overruling Rambus's privilege claims - specifically documents subject to Orders in *Hynix* dated February 26, 2004, January 31, 2005, and August 26, 2005 (as clarified by the Order issued on October 4, 2005) (collectively, "the Privileged Documents"). Rambus continues to assert that the Privileged Documents are privileged and protected from discovery, including in this litigation.

Notwithstanding Rambus's continued objection to the production of the Privileged Documents, for the reasons set forth in the prior Orders in *Hynix* identified above,

IT IS HEREBY ORDERED that Rambus's attorney-client privilege and work product objections to the production of the Privileged Documents are overruled. The Privileged Documents shall not be withheld from Samsung by Rambus on grounds of privilege during the normal course of discovery ordered by the Court and shall be produced to Samsung within 10 days of entry of this Order without the need for further requests by Samsung for such production. Rambus's obligation under this Order to produce such Privileged Documents is not contingent upon the entry of a Protective Order in this action. Rambus may, however, produce such Privileged Documents to Samsung on an outside counsel only basis, subject to the protections available under Patent Local Rule 2-2, until a Protective Order is entered in this action. Samsung will be thereafter required to accord the Privileged Documents the highest protection available under the Protective Order to be entered in this action.

IT IS SO ORDERED.

DATED: 11/18/05

/S/ RONALD M. WHYTE

Honorable Ronald M. Whyte  
United States District Court Judge